

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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LARRY THOMPSON,

X

Plaintiff,

**PLAINTIFF'S COUNTER  
STATEMENT PURSUANT  
TO LOCAL RULE 56.1**

-against-

THE CITY OF NEW YORK, POLICE OFFICER  
PAGIEL CLARK, Shield # 28472, POLICE OFFICER  
PAUL MONTEFUSCO, Shield # 10580, POLICE  
OFFICER GERARD BOUWMANS, Shield # 2102,  
POLICE OFFICER PHILLIP ROMANO, Shield #  
6295, POLICE OFFICER WARREN RODNEY,  
Shield # 13744, SERGEANT ANTHONY BERTRAM,  
Shield #277.POLICE OFFICERS JOHN/JANE DOE(S) #S 1-10,

Case No.: 14-cv-7349

Defendants.

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X

DAVID A. ZELMAN, Esq., an attorney duly licensed to practice law before the Eastern District of New York, as and for Plaintiff's Counter Statement Pursuant to Rule 56.1 to Defendant's Rule 56.1 Statement dated January 20, 2017, being duly sworn deposes and says, upon information and belief, as follows:

1. Deny. (PL. Ex. C)
2. Admit.
3. Deny. (Pl Ex. A, DEF 12) (Deposition of Larry Thompson, Pl. Ex. B, p. 21, line 21-25)
4. Deny. (PL. Ex. C)
5. Deny. (PL. Ex. C). (EBT Dillahunt, Pl. Ex. D, p. 10 line 4 to line 21, p. 76 line 8 to line 23) (EBT Mauratano, Pl. Ex. E p. 14 line 3-10)

6. Deny. Pl. Ex. C. (PL. Ex. D, p. 70 lines 4-12, p. 76 line 8 to line 23) (Pl. Ex E, p. 14 line 3-10)
7. Deny. Pl Ex. C. (Pl. Ex. B, p. 21, line 21-25) (PL. Ex. D, p. 70 lines 4-12)
8. Deny. Pl Ex. C. (Pl. Ex D, p. 70 lines 4-12, p. 76 line 8 to line 23) (Pl. Ex E., p. 14 line 3-10, p. 15 line 16 to p. 16 line 25)
9. Admit EMT's wanted to check the baby but deny it was based on what Ms. Watson said as she refused to speak to them when they arrived. (PL Ex. D. p. 70 lines 4-12) (PL Ex. B, p. 21, line 21-25)
10. Deny. (PL Ex. B, p. 21, line 21-25)
11. Deny. (PL Ex. B, p. 23 line 9 to p. 24 line 20)
12. Deny. Pl Ex. C. (Def Ex. A), Pl. Ex. E, p. 14 line 3-10, Pl Ex. D, p. 10 line 4 to p. 11, line 12, p. 77 line 19 to p. 78 line 3)
13. Deny. Pl Ex. C, (Pl Ex. A, DEF 12), (Pl. Ex. B, p. 21, line 21-25)
14. Deny. Pl. Ex C., (Ex. B, p. 21, line 21-25) Pl. Ex. E EBT, p. 28 line 22 to p. 29 line 10)
15. Deny. Pl. Ex. E EBT, p. 28 line 22 to p. 29 line 10) (Pl. Ex. D, p. 47 line 24 to p. 48 line 2)
16. Deny. Pl. Ex. E, p. 14 line 22 to p. 17 line 13) (Pl. Ex. D, p. 70 lines 4-12)
17. Deny. (Pl. Ex. B, p. 37 line 19 to p. 38 line 13)
18. Deny. (Bertram EBT, Pl. Ex. K, p. 22 line 21 to p. 23 line 4), (Pl. Ex. F p. 72 line 22 to p. 73 line 6).
19. Admit that plaintiff insisted upon a warrant to enter his apartment. (Pl. Ex. B, p. 38 line 10-13)

20. Admit that plaintiff was ultimately arrested with force and charged with Obstruction and Resisting Arrest. (Pl. Ex. A, p.2)
21. Deny. (Pl. Ex. F, p. 39 line 3-16), (Pl. Ex. A, DEF 12), (Clark EBT, Pl. Ex. M, p. 104 line 17 to p. 105 line 17)
22. Deny. ( Pl. Ex. K, p. 31 line 14 to p. 33 line 11) (Pl. Ex. F p. 39 line 3-16)
23. Deny that the EMTs noticed red markings on baby's buttocks, otherwise Admit. (Pl. Ex. E p. 39 line 16 to p. 40 line 17)
24. Admit.
25. Admit.
26. Admit
27. Admit.
28. Admit.
29. Admit
30. Admit that the charges were dismissed on April 9, 2014 but deny that charges were dismissed "in the interests of justice" by the Court. (Def. Ex. P.) (Pl. Ex. A, Def 4, Def 7)

Dated: Brooklyn, New York  
April 6, 2017

**LAW OFFICE OF DAVID A. ZELMAN**

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